

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re:** :  
Larry Lee Wisser, : Chapter 12  
Cathleen Rachel Wisser, : Bky. No. 20-14201 - PMM  
Debtors. :  
:

**ORDER GOVERNING PROCEDURES FOR EVIDENTIARY HEARING  
ON (I) CHAPTER 12 TRUSTEE'S AMENDED MOTION TO DISMISS  
WITH PREJUDICE AND (II) CONFIRMATION OF CHAPTER 12 PLAN**

**AND NOW WHEREAS**, the Court having **SCHEDULED** a continued hearing (“the Hearing”) for **Tuesday, August 31, 2021 at 1:00 PM** on the Amended Motion to Dismiss Case *with Prejudice* (“the Motion”) filed on May 27, 2021, Doc. # 77 and confirmation of the Debtors’ Second Amended Chapter 12 Plan, filed April 15, 2021, Doc. # 67;

**It is therefore ORDERED** that the parties shall comply with the following procedures in connection with the Hearing:

**Pre-Hearing Disclosure Requirements**

1. **On or before August 24, 2021**, any party intending to call a witness to testify shall file and serve<sup>1</sup> a Witness List setting forth the following:
  - a. the name and title of the witness;
  - b. a summary of subject matter of the anticipated testimony.

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<sup>1</sup> It is contemplated and preferred that all service required by this Order will be accomplished by e-mail. However, other means of service are acceptable so long as the document to be served is received within one (1) business day of service.

2. **On or before August 24, 2021**, any party intending to offer into evidence any exhibits in its case in chief or otherwise use at the Hearing shall:
  - a. pre-mark each exhibit;
  - b. serve each party who has appeared in the matter(s) being heard at the Hearing with a list of each exhibit (“the Exhibit List”);
  - c. serve each party with each pre-marked exhibit on the Exhibit List;<sup>2</sup>
  - d. deliver the Exhibit List and the exhibits to the Court by e-mailing them to Judge Mayer’s Chambers ([Chambers of Judge Patricia Mayer@paeb.uscourts.gov](mailto:Chambers_of_Judge_Patricia_Mayer@paeb.uscourts.gov)) and to the Courtroom Deputy at [Barbara Spinka@paeb.uscourts.gov](mailto:Barbara_Spinka@paeb.uscourts.gov).
3. A party who wishes to use an exhibit in connection with the examination of a witness shall serve the witness with each such exhibit (with notice to all other parties) at least 24 hours prior to the Hearing.
4. If a party anticipates the possibility of offering into evidence or otherwise using exhibits at the Hearing in the party’s case in rebuttal:
  - a. On the same date as set forth in Paragraph 2, the party shall prepare a Rebuttal Exhibit List and shall e-mail the Rebuttal Exhibit List and all rebuttal exhibits to the Courtroom Deputy.
  - b. The Court will retain, without reviewing, the Rebuttal Exhibit List and the rebuttal exhibits unless and until the party seeks to use a rebuttal exhibit at the Hearing.
  - c. If a party seeks to use a rebuttal exhibit, the rebuttal exhibit will then be e-mailed to all parties participating in the Hearing and the witness. If appropriate, the court will take a short recess to allow the other parties to review the exhibit.<sup>3</sup>

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<sup>2</sup> If an exhibit is on the docket, counsel may reference the applicable CM/ECF docket number rather than serving the exhibit itself on opposing counsel. However, an exhibit used in connection with the testimony of a witness must be supplied to the witness.

<sup>3</sup> The procedures in Paragraph 3 are included because there are situations in which a party may legitimately wish to hold back a rebuttal exhibit<sup>2</sup>and use it only if necessary due to the developments

**5. FAILURE TO COMPLY STRICTLY WITH THE REQUIREMENTS OF  
PARAGRAPHS 1-4 MAY RESULT IN THE EXCLUSION OF EVIDENCE  
OFFERED DURING THE HEARING.**

**Date: July 6, 2021**



**PATRICIA M. MAYER  
U.S. BANKRUPTCY JUDGE**

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during a hearing. If no such concerns exist, nothing in this Order precludes a party from including rebuttal exhibits on the primary Exhibit List and labeling them as such.